



January 19, 2021

Garrett Grumbach  
400 North Capitol Street  
Washington, DC 20002

Dear Mr. Grumbach:

This letter is in response to your U.S. General Services Administration (GSA) Freedom of Information Act (FOIA) request number GSA-2021-000251, submitted on November 17, 2020, in which you requested a copy of nine categories of documents.

Enclosed, please find two files containing email communications and non-exempt attachments responsive to your request. The materials contained in these files were collected based on searches reasonably anticipated to identify responsive documents. In particular, these files contain email communications sent by Emily Murphy and Mary Gibert that include any of the following nineteen terms: ascertainment, ascertain, ascertained, Presidential Transition Act, 3 U.S.C. 102, 3 U.S.C. §102, 3 U.S.C. § 102, apparent winner, President-elect, December 14th, December 14, Dec. 14, 12/14, projected winner, electoral college, POTUS, VPOTUS, Trump campaign, and Biden campaign. The files also include any responsive email communications between the two GSA custodians. The date range for responsive material in this production is October 7, 2020 through November 13, 2020. GSA continues to process the remaining portion of your request, and will respond on a rolling basis once a release or denial decision has been made.

In processing your request, GSA has withheld the phone numbers of GSA employees, names of private individuals, and the contact information for non-GSA employees. In addition, GSA withheld information related to a career employee's performance evaluation. This is done pursuant to the sixth exemption of FOIA, 5 U.S.C. § 552(b)(6), because public disclosure of this information would constitute a clearly unwarranted invasion of personal privacy.

We also withheld privileged attorney-client communications, working drafts of documents, and other preliminary discussions and information reflecting the deliberative process of the Executive Branch. This is done pursuant to the fifth exemption of FOIA, 5 U.S.C. § 552(b)(5), because release of this information would stifle honest and frank communications and have a chilling effect on discussions involving matters significant to the Executive Branch. The attorney-client communications have been withheld because they contain confidential communications between a GSA attorney and a client relating to a legal matter for which the client has sought professional advice.

Finally, we withheld discussions about security for transition efforts. This is done pursuant to the fifth and seventh exemptions of FOIA, 5 U.S.C. § 552(b)(5) and (7)(A), because the communications reflect the deliberative process of the Executive Branch, and release of this information could also reasonably be expected to interfere with law enforcement proceedings. Please note that the enclosed materials may not include duplicate copies of documents that exist in more than one file.

As we have redacted information referenced in the above paragraph(s) with the aforementioned FOIA exemptions, this technically constitutes a partial denial of your FOIA request. You have the right to appeal the denial of the information being withheld. You may submit an appeal online at the following link (<https://foiaonline.regulations.gov/foia/action/public/home>) or in writing to the following address:

U.S. General Services Administration  
FOIA Requester Service Center  
1800 F Street, NW  
Washington, DC 20405

Your appeal must be postmarked or electronically transmitted within 90 days of the date of the response to your request. In addition, your appeal must contain a brief statement of the reasons why the requested information should be released. Please enclose a copy of your initial request and this denial. Both the appeal letter and envelope or online appeal submission should be prominently marked, "Freedom of Information Act Appeal."

Should you have questions, you may contact me at [travis.lewis@gsa.gov](mailto:travis.lewis@gsa.gov) or contact our GSA FOIA Public Liaison, Duane Smith, at (202) 694-2934 or by email at [duane.smith@gsa.gov](mailto:duane.smith@gsa.gov) for any additional assistance and to discuss any aspect of your FOIA request.

Additionally, you may contact the Office of Government Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, email at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at (202) 741-5770; toll free at (877) 684-6448; or facsimile at (202) 741-5769.

Sincerely,

*Travis Lewis*

**Travis Lewis**  
FOIA Program Manager  
Office of General Counsel  
General Services Administration